

**STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON**

**ORDINANCE NO. 2017-027**

**AMENDMENT TO ORDINANCE NO. 2017-018**

Councilmember Willis and Mayor Pro Tem Rowell offer the following amendment to Ordinance No. 2017-18, entitled "Ordinance to Create Title 8 of the City of South Fulton Code of Ordinances, Traffic and Vehicles, and to establish general rules of the road for the City of South Fulton."

**Revising Sec. 8-1001., regarding the adoption and incorporation of state and federal law, as follows:**

**Sec. 8-1001. - Adoption of State and Federal Laws**

(a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the City, there is hereby adopted, as if fully set out herein, the following federal regulations:

- (1) Reference 49 C.F.R. 382, 383, 390-393, and 395-397, the Commercial Motor Vehicle Safety Act of 1986; and
- (2) The Federal "Out of Service" Criteria as amended from time to time.

(b) *Adoption of state law by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. § 40-6-1 *et seq.*, known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 and O.C.G.A. § 40-7-3 are hereby adopted as and for the traffic regulations of this City with like effect as if recited herein.

**Adding Secs. 8-1010-11., regarding ATVs and Off-Road Vehicles, as follows:**

**Sec. 8-1010. - Operation of all-terrain and off road vehicles.**

- (a) It shall be unlawful for anyone to operate an ATV on the public roads and highways within the City.
- (b) It shall be unlawful for anyone to operate an ATV or off road vehicle on any City sidewalk, City park, City trail, City shared multi-use path, City bicycle path, City recreation facility, and all other City property. (This section does not apply to authorized City employees/agencies in the performance of their duties (i.e. police officers, parks employees, etc.).

- (c) It shall be unlawful for anyone to operate an off road vehicle in the public right-of-way in residential zoning districts and in multi-family zoning districts. These specific restrictions are authorized pursuant to the State of Georgia's "Off-Road Vehicle Act of 1975", Georgia Code Annotated §§ 40-7-1 through 40-7-6.
- (d) No person shall operate an ATV or off road vehicle in a manner which violates any City ordinance regarding noise or noise levels.
- (e) Nothing in this ordinance shall prohibit or interfere with the open access of sidewalks or public infrastructure to persons with disabilities, wheelchairs, or in any way conflict with the American with Disabilities Act.

**Sec. 8-1011. – Penalties for violations of Sec. 8-1010.**

For any violations of Sec. 8-1010, any person violating these provisions will be subject to the following penalties:

- (a) For a first violation, the penalty will be in the amount of \$500.00.
- (b) For a second violation, the penalty will be in the amount of \$750.00.
- (c) For a third violation, the penalty shall be a minimum of 30 days in jail, not to exceed six months.
- (d) For all subsequent violations, the penalty shall be a minimum of 60 days in jail, not to exceed six months.
- (e) The effective date of this Ordinance shall be **November 1, 2017.**

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The foregoing Amendment to Ordinance No. **2017-027** adopted on **October 24, 2017** was offered Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **Willis** with a friendly amendment by Mayor Pro Tem **Rowell (to set an effective date)**, and being put to a vote, the result was as follows:

**“SECOND READING”**

	AYE	NAY
William “Bill” Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/> √ <hr/>	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √ <hr/>	<hr/>
Helen Zenobia Willis	<hr/> √ <hr/>	<hr/>
Gertrude Naeema Gilyard	<hr/> √ <hr/>	<hr/>
Rosie Jackson	<hr/> √ <hr/>	<hr/>
khalid kamau	<hr/>	<hr/> √ <hr/>
Mark Baker	<hr/> √ <hr/>	<hr/>

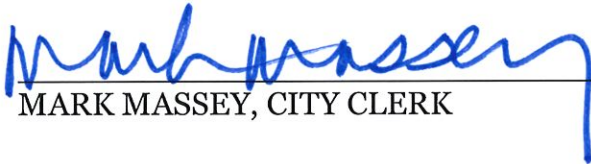
THIS ORDINANCE adopted this 24<sup>th</sup> day of October 2017. CITY OF  
SOUTH FULTON, GEORGIA

**"SECOND READING"**



WILLIAM "BILL" EDWARDS, MAYOR

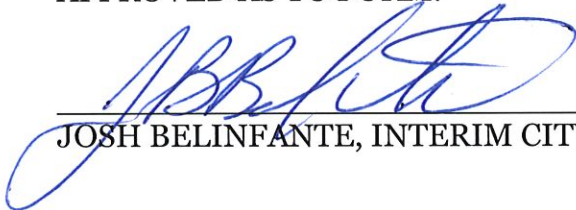
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY